

Ala. Code 1975, § 32-10-1

Leaving Scene of Accident Involving Death or Personal Injury

The Defendant is charged with leaving the scene of an accident involving death or personal injury.

A person commits the crime of leaving the scene of an accident involving death or personal injury if he/she drives a motor vehicle and is involved in an accident resulting in death or personal injury to another person and fails to immediately stop the vehicle at the accident scene or as close thereto and return to or remain at or as close to the scene of the accident until he/she has fulfilled the requirements of Section 32-102 of the Code of Alabama.

To convict, the State must prove beyond a reasonable doubt each one of the following elements:

- (1) The defendant (name of defendant) drove a motor vehicle;
- (2) While driving the motor vehicle, the defendant was involved in an accident resulting in death or personal injury to another person (name of victim);
- (3) The defendant failed to immediately stop the vehicle at the accident scene or as close thereto and return to or remain at or as close to the scene of the accident until he/she fulfilled the requirements of Section 32-10-2 of the Code of Alabama; **(AND)**
- (4) The defendant acted **[Insert appropriate mens rea element – see Use Note]**.

A *Driver* is every individual who drives or is in actual physical control of a vehicle. [32-2-1.1(14)]

A *Motor Vehicle* is every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for electric personal assistive mobility devices and electric bicycles. [32-2-1.1(35)]

Section 32-10-2 of the Code of Alabama requires that the driver of any motor vehicle involved in an accident resulting in injury to or the death of any person which is driven or attended by any person shall give his/her name, address and the registration number of the vehicle he/she is driving, shall upon request exhibit his/her driver's license to the person struck and shall render to any person injured in such accident reasonable assistance, including the transportation of, or the making of arrangements

for the transportation of such person to a physician or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such transportation is requested by the injured person. (32-10-2)

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of leaving the scene of an accident involving death or personal injury, then you shall find the defendant guilty of leaving the scene of an accident involving death or personal injury.

If you find that the State has failed to prove beyond a reasonable doubt one or more of the above elements of leaving the scene of an accident involving death or personal injury, then you cannot find the defendant guilty of leaving the scene of an accident involving death or personal injury.

Use Notes

The statute does not state a specific mens rea element. Insert the appropriate mens rea element considering the indictment and the evidence before the court. There are few, if any, strict liability offenses in the Code. See Commentary for 13A-2-3 and 13A-2-4(b). There are four mens rea elements in the Alabama Code: intentionally, knowingly, recklessly, and with criminal negligence. See 13A-2-2.

1. A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when (his/her) purpose is to cause that result or to engage in the conduct. Ala. Code § 13A-2-2(1).

2. A person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense (he/she) is aware that (his/her) conduct is of that nature or that the circumstance exists. Ala. Code § 13A-2-2(2).

3. A person acts recklessly with respect to a result or to a circumstance when (he/ she) is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. Ala. Code § 13A-2-2(3).

4. A person acts with criminal negligence with respect to a result or to a circumstance when (he/she) fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. A court or jury may consider statutes or ordinances regulating the defendant's conduct as bearing upon the question of criminal negligence. Ala. Code § 13A-2-2(4).

“Section 32-10-1 contains no language indicating that it is a strict liability crime.... Thus, the issue of the appellant's culpability should have been presented to the jury in the court's jury charge.” Turner v. State, 584 So.2d 864, 867 (Ala. Crim. App. 1990); Bettis v. State, 534 So.2d 1135, 1136 (Ala. Crim. App. 1988)

[Approved 04/24/26]